

To: "Evon Chambers" [echambers@pcl.org]
From: "Obegi, Doug"
Sent: Tue 8/11/2009 10:03:59 PM
Subject: DWR requests weakening protections for endangered salmon and steelhead
Salmon BO Reconsult to NMFS August 2009.pdf

Dear friends,

Yesterday the Department of Water Resources (DWR) wrote the attached letter, requesting a formal "reinitiation of consultation" on NMFS' biological opinion on the effects of CVP and SWP operations on listed salmon, steelhead, sturgeon, and orcas. In effect, DWR wants to weaken the protections for salmon, claiming that they are not supported by sound science, particularly the limits on Delta pumping and San Joaquin River inflow requirements (they also objected to cold water pool management in Shasta and floodplain habitat restoration). The State Administration's letter comes less than one week after the State Water Contractors filed suit last week challenging the same biological opinion, also claiming that the BO was not based on the best available science.

Two sentences in DWR's letter stand out to me as particularly outrageous. First, they claim that "exports in fact do not cause any significant adverse impact on salmonid survival on the San Joaquin River." There's ample evidence showing that increased water flows at Vernalis and in the Tribs and water pumping restrictions in the Spring have significantly benefited salmon migrating from the San Joaquin River system. Only last year, DFG wrote to the State Water Board that, "the Department continues to hold the position that declines in Chinook salmon populations in the tributaries to the San Joaquin River are directly related to declines in spring water flow both in the tributaries and at Vernalis." Second, DWR claims that "The at-risk fisheries continue to be highly stressed and in even steeper decline notwithstanding years of increasing water project regulation." However, the increased regulation of the water projects and other elements of the CVPIA were successful, as long as they were implemented -- fish populations dramatically rebounded in the 1990s, as the CVPIA was implemented and the drought ended. The increased flows and other measures worked to restore and conserve salmon, but despite the regulations enacted in the past two decades, water diversions in the early part of this decade still were greater than ever before in the history of the water projects. Essentially, the water projects found ways around the regulations; it's worth recalling that the CVPIA Independent Fisheries Review Panel concluded that they were "flabbergasted" by the way in which the 800,000 acre feet of (b)(2) water under the CVPIA was (mis)managed.

While DWR claims in the letter to want to protect salmon, their actions -- massively increasing pumping in the past decade before new protections were enacted, trying to weaken the new protections in both the delta smelt and salmon biological opinions, and arguing in court that the delta smelt BO should be invalidated -- sure don't look like it. Ultimately, it seems clear that DWR wants to reduce the water available for fish, as in the BDCP process where they are attempting to weaken protections for endangered salmon and steelhead and instead substituting measures like habitat restoration and water pollution controls. I think we'd all like to improve water quality and habitat restoration to complement flows -- but not as a substitute for them.

I hope and expect that fishermen and environmental groups will be talking about this letter, and the state Administration's "commitment" to protecting fish and the fishermen and communities that depend on them, at the meeting tomorrow and in the weeks to come.

Best,

Doug

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